

DANIEL J. BRODERICK, #89424  
Federal Defender  
DAVID M. PORTER, Bar #127024  
Assistant Federal Defender  
801 I Street, 3rd Floor  
Sacramento, California 95814  
Telephone: (916) 498-5700

Attorney for Petitioners  
ALONZO DEON JOHNSON and DARRYL THOMPSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO DEON JOHNSON, ) No. Civ. S 03-2063 RBB JFM P  
)  
Petitioner, ) **UNOPPOSED REQUEST TO EXTEND TIME;**  
) **ORDER**

v. )

CLAUDE E. FINN, Warden, )  
)  
Respondent. )

\_\_\_\_\_)  
DARRYL THOMPSON, ) No. Civ. S 04-2208 RBB JFM P  
)  
Petitioner, ) **UNOPPOSED REQUEST TO EXTEND TIME;**  
) **ORDER**

v. )

TOM L. CAREY, Warden, )  
)  
Respondent. )

\_\_\_\_\_)  
Petitioners, ALONZO DEON JOHNSON and DARRYL THOMPSON, by and  
through their counsel, Assistant Federal Defender David M. Porter,  
hereby requests the court hereby requests a thirty-day extension of  
time to file a motion for evidentiary hearing or traverse, which is  
currently due on June 13, 2007. This request is being made for the  
reasons set forth in the accompanying declaration of counsel.

1        This is the first request for an extension of time, and it is not  
2        interposed to unduly delay the proceedings, to gain unfair advantage,  
3        or for any other improper purpose. Counsel for respondents, Deputy  
4        Attorney General R. Todd Marshall, has graciously indicated that he has  
5        no opposition to this request.

6        Dated: June 12, 2007

7                                Respectfully Submitted,

8                                DANIEL J. BRODERICK  
9                                Federal Defender

10                                    /s/ David M. Porter        
11                              DAVID M. PORTER  
                             Assistant Federal Defender

12                              Attorney for Petitioners  
13                              ALONZO DEON JOHNSON and DARRYL THOMPSON  
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**DECLARATION OF COUNSEL**

I, David M. Porter, declare as follows:

1. I am employed by the Office of the Federal Defender for the Eastern District of California and the attorney responsible for the above-entitled matter.

2. On February 13, 2007, this Court issued an order setting the deadline for the filing of a motion for evidentiary hearing or traverse on June 13, 2007.

3. While the undersigned has exercised diligence in meeting the deadline, he has been unable to do so because of his duties in other cases, which included visiting a client in the AdMax facility in Florence, Colorado on May 23, 2007, and the need to attend a funeral in Chicago, Illinois on June 1, 2007. In addition to his ongoing duties as supervisor of the habeas and appeals unit, the undersigned has had, and continues to have, numerous filing deadlines and court appearances in other cases, including: a reply to response to objections to findings and recommendations in *Smith, v. Curry*, Civ. S 03-1871 LKK KJM, on June 8, 2007; oral argument in the Ninth Circuit on June 13, 2007; and a Ninth Circuit opening brief and a parole hearing on June 25, 2007.

4. On June 12, 2007, the undersigned contacted counsel for respondent, Deputy Attorney General R. Todd Marshall, who graciously indicated that he has no objection to this request.

I declare under penalty of perjury that the matters herein as to which I have personal knowledge are true and correct, and as to other matters, I believe them to be true and correct.

DATED: June 12, 2007

/s/ David M. Porter  
David M. Porter

ORDER

Pursuant to the unopposed request of Petitioners, and good cause appearing therefor, it is HEREBY ORDERED that the deadline for filing a motion for evidentiary hearing or traverse is extended to July 13, 2007.

IT IS SO ORDERED.

Dated: June 13, 2007.

  
UNITED STATES MAGISTRATE JUDGE

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